

Message Text

LIMITED OFFICIAL USE

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12

ACTION NEA-16

INFO OCT-01 ISO-00 SCS-03 L-03 DRC-01 RSC-01 /025 W

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P 130900Z AUG 74

FM AMCONSUL CALCUTTA

TO SECSTATE WASHDC PRIORITY 4082

INFO AMEMBASSY NEW DELHI PRIORITY

LIMITED OFFICIAL USE SECTION 1 OF 2 CALCUTTA 1651

E.O. 11652: N/A

TAGS: CASC, PFOR, IN, US

SUBJ: HARCOS/FLETCHER

REF: STATE 176002

1. OFFICIAL SECRETS ACT, SECTION 3: (1) IF ANY PERSON FOR ANY PURPOSE PREJUDICIAL TO THE SAFETY OR INTERESTS OF THE STATE -- (A) APPROACHES, INSPECTS, PASSES OVER OR IS IN THE VICINITY OF, OR ENTERS, ANY PROHIBITED PLACE; OR (B) MAKES ANY SKETCH, PLAN, MODEL, OR NOTE WHICH IS CALCULATED TO BE OR IS INTENDED TO BE, DIRECTLY OR INDIRECTLY, USEFUL TO AN ENEMY; OR (C) OBTAINS, COLLECTS, RECORDS OR PUBLISHES OR COMMUNICATES TO ANY OTHER PERSON ANY SECRET OFFICIAL CODE OR PASS WORD, OR ANY SKETCH, PLAN, MODEL, ARTICLE OR NOTE OR OTHER DOCUMENTS OR INFORMATION WHICH IS CALCULATED TO BE OR MIGHT BE OR IS INTENDED TO BE, DIRECTLY OR INDIRECTLY, USEFUL TO AN ENEMY (OR WHICH RELATES TO A MATTER THE DISCLOSURE OF WHICH IS LIKELY TO AFFECT THE SOVEREIGNTY AND INTEGRITY OF INDIA, THE SECURITY OF THE STATE OR FRIENDLY RELATIONS WITH FOREIGN STATES); HE SHALL BE PUNISHABLE WITH IMPRISONMENT FOR A TERM WHICH MAY EXTEND, WHERE THE OFFENCE IS COMMITTED IN RELATION TO ANY WORK OF DEFENSE, ARSENAL, NAVAL, MILITARY OR AIR FORCE ESTABLISHMENT OR STATION, MINE, MINEFIELD, FACTORY, DOCKYARD, CAMP, SHIP OR AIRCRAFT OR OTHERWISE IN RELATION TO THE NAVAL, MILITARY OR AIR FORCE AFFAIRS OF GOVERNMENT OR IN RELATION TO ANY SECRET OFFICIAL CODE, TO FOURTEEN YEARS AND IN OTHER CASES TO THREE YEARS. (2) ON A PROSECUTION FOR AN

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OFFENSE PUNISHABLE UNDER THIS SECTION, IT SHALL NOT BE

NECESSARY TO SHOW THAT THE ACCUSED PERSON WAS GUILTY OF ANY PARTICULAR ACT TENDING TO SHOW A PURPOSE PREJUDICIAL TO THE SAFETY OR INTERESTS OF THE STATE AND, NOTWITHSTANDING THAT NO SUCH ACT IS PROVED AGAINST HIM, HE MAY BE CONVICTED, IF, FROM THE CIRCUMSTANCES OF THE CASE OR HIS CONDUCT OR HIS KNOWN CHARACTER AS PROVED, IT APPEARS THAT HIS PURPOSE WAS A PURPOSE PREJUDICIAL TO THE SAFETY OR INTERESTS OF THE STATE; AND IF ANY SKETCH, PLAN, MODEL, ARTICLE, NOTE, DOCUMENT, OR INFORMATION RELATING TO ANYTHING IN SUCH A PLACE, OR ANY SECRET OFFICIAL CODE OR PASS WORD IS MADE, OBTAINED, COLLECTED, RECORDED, PUBLISHED OR COMMUNICATED BY ANY PERSON OTHER THAN A PERSON ACTING UNDER LAWFUL AUTHORITY AND FROM THE CIRCUMSTANCES OF THE CASE OR HIS CONDUCT OR HIS KNOWN CHARACTER AS PROVED IT APPEARS THAT HIS PURPOSE WAS A PURPOSE PREJUDICIAL TO THE SAFETY OR INTERESTS OF THE STATE SUCH SKETCH, PLAN, MODEL, ARTICLE, NOTE, DOCUMENT (INFORMATION, CODE OR PASS-WORD SHALL BE PRESUMED TO HAVE BEEN MADE), OBTAINED, COLLECTED RECORDED, PUBLISHED OR COMMUNICATED FOR A PURPOSE PREJUDICIAL TO THE SAFETY OR INTERESTS OF THE STATE.

2. SECTION SIX: (1) IF ANY PERSON FOR THE PURPOSE OF GAINING ADMISSION OR OF ASSISTING ANY OTHER PERSON TO GAIN ADMISSION TO A PROHIBITED PLACE OR FOR ANY OTHER PURPOSE PREJUDICIAL TO THE SAFETY OF THE STATE--(A) USES OR WEARS, WITHOUT LAWFUL AUTHORITY, ANY NAVAL, MILITARY, AIR FORCE, POLICE OR OTHER OFFICIAL UNIFORM, OR ANY UNIFORM SO NEARLY RESEMBLING THE SAME AS TO BE CALCULATED TO DECEIVE, OR FALSELY REPRESENTS HIMSELF TO BE A PERSON WHO IS OR HAS BEEN ENTITLED TO USE OR WEAR ANY SUCH UNIFORM; OR (B) ORALLY, OR IN WRITING IN ANY DECLARATION OR APPLICATION, OR IN ANY DOCUMENT SIGNED BY HIM OR ON HIS BEHALF, KNOWINGLY MAKES OR CONNIVES AT THE MAKING OF ANY FALSE STATEMENT OR ANY OMISSION; OR (C) FORGES, ALTERS OR TAMPERS WITH ANY PASSPORT OR ANY NAVAL, MILITARY, AIR FORCE, POLICE, OF OFFICIAL PASS, PERMIT, CERTIFICATE LICENSE OR OTHER DOCUMENT OF A SIMILAR CHARACTER (HEREINAFTER IN THIS SECTION REFERRED TO AS AN OFFICIAL DOCUMENT) OR KNOWINGLY USES OR HAS IN HIS POSSESSION ANY SUCH FORGED, ALTERED, OR IRREGULAR OFFICIAL DOCUMENT: OR (D) PERSONATES, OR FALSELY REPRESENTS HIMSELF TO BE, A PERSON HOLDING, OR IN THE EMPLOYMENT OF A PERSON HOLDING, OFFICE UNDER GOVERNMENT, OR TO BE OR NOT TO BE A PERSON TO WHOM AN OFFICIAL DOCUMENT OR SECRET OFFICIAL CODE OR PASS LIMITED OFFICIAL USE

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WORD HAS BEEN DULY ISSUED OR COMMUNICATED, OR WITH INTENT TO OBTAIN AN OFFICIAL DOCUMENT, SECRET OFFICIAL CODE OR PASS WORD WHETHER FOR HIMSELF OR ANY OTHER PERSON, KNOWINGLY MAKES ANY FALSE STATEMENT; OR (E) USES, OR HAS IN HIS POSSESSION OR UNDER HIS CONTROL, WITHOUT THE AUTHORITY OF THE DEPARTMENT OF THE GOVERNMENT OR THE AUTHORITY CONCERNED, ANY DIE, SEAL STAMP OF OR BELONGING TO, OR USED, MADE OR PROVIDED BY, ANY DEPARTMENT OF THE GOVERNMENT, OR BY ANY DIPLOMATIC, NAVAL, MILITARY,

OR AIR FORCE AUTHORITY APPOINTED BY OR ACTING UNDER THE
AUTHORITY OF GOVERNMENT, OR ANY DIE, SEAL OR STAMP SO NEARLY
RESEMBLING ANY SUCH DIE, SEAL OR STAMP SO AS TO BE CALCULATED
TO DECEIVE, OR COUNTERFEITS ANY SUCH DIE, SEAL OR STAMP,
OR KNOWINGLY USES, OR HAS IN HIS POSSESSION OR UNDER HIS
CONTROL, ANY SUCH COUNTERFEITED DIE, SEAL OR STAMP; HE SHALL
BE GUILTY OF AN OFFENCE UNDER THIS SECTION. (2) IF ANY PERSON
FOR ANY PURPOSE PREJUDICIAL TO THE SAFETY OF THE STATE--(A)
RETAINS ANY OFFICIAL DOCUMENT, WHETHER OR NOT COMPLETED OR ISSUED
FOR USE, WHEN HE HAS NO RIGHT TO RETAIN IT, OR WHEN IT IS CON-
TRARY TO HIS DUTY TO RETAIN IT, OR WILLFULLY FAILS TO COMPLY
WITH ANY DIRECTIONS ISSUED BY ANY DEPARTMENT OF THE GOVERNMENT
OR ANY PERSON AUTHORIZED BY SUCH DEPARTMENT WITH REGARD TO THE
RETURN OR DISPOSAL THEREOF; OF (B) ALLOWS ANY OTHER PERSON
TO HAVE POSSESSION OF ANY OFFICIAL DOCUMENT ISSUED FOR HIS
USE ALONE, OR COMMUNICATES ANY SECRET OFFICIAL CODE OR PASS
WORD SO ISSUED, OR, WITHOUT LAWFUL AUTHORITY OR EXCUSE, HAS IN
HIS POSSESSION ANY OFFICIAL DOCUMENT OR SECRET OFFICIAL CODE
OR PASS WORD ISSUED FOR THE USE OF SOME PERSON OTHER THAN
HIMSELF, OR, ON OBTAINING POSSESSION OF ANY OFFICIAL DOCUMENT
BY FINDING OR OTHERWISE, WILLFULLY FAILS TO RESTORE IT TO THE

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ACTION NEA-16

INFO OCT-01 ISO-00 SCS-03 L-03 DRC-01 RSC-01 /025 W

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P 130900Z AUG 74

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PERSON OR AUTHORITY BY WHOM OR FOR WHOSE USE IT WAS ISSUED,
OR TO A POLICE OFFICER; OR (C) WITHOUT LAWFUL AUTHORITY OR
EXCUSE, MANUFACTURES OR SELLS, OR HAS IN HIS POSSESSION FOR
SALE, ANY SUCH DIE, SEAL OR STAMP AS AFORESAID; HE SHALL BE
GUILTY OF AN OFFENSE UNDER THIS SECTION. (3) A PERSON GUILTY
OF AN OFFENSE UNDER THIS SECTION SHALL BE PUNISHABLE WITH
IMPRISONMENT FOR A TERM WHICH MAY EXTEND TO THREE YEARS, OR

WITH FINE, OR WITH BOTH. (4) THE PROVISIONS OF SUB-SECTION (2) OF SECTION 3 SHALL APPLY, FOR THE PURPOSE OF PROVING A PURPOSE PREJUDICIAL TO THE SAFETY OF THE STATE, TO ANY PROSECUTION FOR AN OFFENSE UNDER THIS SECTION RELATION TO THE NAVAL, MILITARY OR AIR FORCE AFFAIRS OF GOVERNMENT, OR TO ANY SECRET OFFICIAL CODE IN LIKE MANNER AS THEY APPLY, FOR THE PURPOSE OF PROVING A PURPOSE PREJUDICIAL TO THE SAFETY OR INTERESTS OF THE STATE TO PROSECUTIONS FOR OFFENCES PUNISHABLE UNDER THAT SECTION..

3. SECTION NINE: ANY PERSON WHO ATTEMPTS TO COMMIT OR ABETS THE COMMISSION OF AN OFFENSE UNDER THIS ACT SHALL BE PUNISHABLE WITH THE SAME PUNISHMENT, AND BE LIABLE TO BE PROCEEDED AGAINST IN THE SAME MANNER AS IF HE HAD COMMITTED SUCH OFFENCE.

4. INDIAN PENAL CODE (IPC): 120B: PUNISHMENT OF CRIMINAL CONSPIRACY--(1) WHOEVER IS A PARTY TO CRIMINAL CONSPIRACY TO COMMIT AN OFFENCE PUNISHABLE WITH DEATH, IMPRISONMENT FOR LIFE OR RIGOROUS IMPRISONMENT FOR A TERM OF TWO YEARS OR UPWARDS, SHALL, WHERE NO EXPRESS PROVISION IS MADE IN THIS CODE FOR THE PUNISHMENT OF SUCH A CONSPIRACY, BE PUNISHED IN THE SAME MANNER LIMITED OFFICIAL USE

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AS IF HE HAD ABETTED SUCH OFFENSE. (2) WHOEVER IS A PARTY TO A CRIMINAL CONSPIRACY OTHER THAN A CRIMINAL CONSPIRACY TO COMMIT AN OFFENCE PUNISHABLE AS AFORESAID SHALL BE PUNISHED WITH IMPRISONMENT OF EITHER DESCRIPTION FOR A TERM NOT EXCEEDING SIX MONTHS, OR WITH FINE OR WITH BOTH.

5. SECTION 437: MISCHIEF WITH INTENT TO DESTROY OR MAKE UNSAFE A DECKED VESSEL OR ONE OF TWENTY TONS BURDEN--WHOEVER COMMITS MISCHIEF TO ANY DECKED VESSEL OR ANY VESSEL OF A BURDEN OF TWENTY TONS UPWARDS, INTENDING TO DESTROY OR RENDER UNSAFE, OR KNOWING IT TO BE LIKELY THAT HE WILL THEREBY DESTROY OR RENDER UNSAFE, THAT VESSEL, SHALL BE PUNISHED WITH IMPRISONMENT OF EITHER DESCRIPTION FOR A TERM WHICH MAY EXTEND TO TEN YEARS, AND SHALL ALSO BE LIABLE TO FINE.

6. SECTION 451: HOUSE-TRESPASS IN ORDER TO COMMIT OFFENSE PUNISHABLE WITH IMPRISONMENT--WHOEVER COMMITS HOUSE-TRESPASS IN ORDER TO THE COMMITTING OF ANY OFFENCE PUNISHABLE WITH IMPRISONMENT, SHALL BE PUNISHED WITH IMPRISONMENT OF EITHER DESCRIPTION FOR A TERM WHICH MAY EXTEND TO TWO YEARS, AND SHALL ALSO BE LIABLE TO FINE; AND IF THE OFFENCE INTENDED TO BE COMMITTED IS THEFT, THE TERM OF THE IMPRISONMENT MAY BE EXTENDED TO SEVEN YEARS.

7. SECTION 511: PUNISHMENT FOR ATTEMPTING TO COMMIT OFFENCES PUNISHABLE WITH IMPRISONMENT FOR LIFE OR OTHER IMPRISONMENT--WHOEVER ATTEMPTS TO COMMIT AN OFFENCE PUNISHABLE BY THIS CODE

WITH IMPRISONMENT FOR LIFE OR IMPRISONMENT, OR TO CAUSE SUCH AN OFFENCE TO BE COMMITTED, AND IN SUCH ATTEMPT DOES ANY ACT TOWARDS THE COMMISSION OF THE OFFENCE, SHALL, WHERE NO EXPRESS PROVISION IS MADE BY THIS CODE FOR THE PUNISHMENT OF SUCH ATTEMPT, BE PUNISHED WITH IMPRISONMENT OF ANY DESCRIPTION PROVIDED FOR THE OFFENCE, FOR A TERM WHICH MAY EXTEND TO ONE-HALF OF THE IMPRISONMENT FOR LIFE OR, AS THE CASE MAY BE, ONE-HALF OF THE LONGEST TERM OF IMPRISONMENT PROVIDED FOR THAT OFFENCE, OR WITH SUCH FINE AS IS PROVIDED FOR THE OFFENCE, OR WITH BOTH.

8. WE ARE ATTEMPTING TO GET A COMPLETE TEXT OF RULE 111-4(2) OF THE PORT BY-LAWS WHICH WE SHALL SEND SEPARATELY.

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